

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,**

**VS.**

**CRIMINAL ACTION NO. 1:08CR052-P-D**

**PHILLIP MINGA,**

**DEFENDANT.**

**ORDER CONTINUING TRIAL**

This matter comes before the court upon Defendant's second motion to continue trial [15]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for October 6, 2008. Defense counsel requests a continuance to accommodate defense counsel's previously scheduled trip to Nigeria to conduct leadership training for elements of the Nigerian Armed Forces and Police and a key witness who is currently five-months pregnant and is expected to deliver early because of prior problem pregnancies. A doctor's note was attached to the instant motion wherein the witness's physician states: "At this point in her pregnancy she does not need to travel to Greenville."

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from October 6, 2008 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense and to accommodate the pregnancy of a key witness. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

**IT IS THEREFORE ORDERED AND ADJUDGED** that:

(1) Defendant's second motion for continuance [15] is **GRANTED**;

(2) Trial of this matter is continued until Monday, February 9, 2009 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from October 6, 2008 to February 9, 2009 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is January 19, 2009; and

(5) The deadline for submitting a plea agreement is January 26, 2009.

**SO ORDERED** this the 25<sup>th</sup> day of August, A.D., 2008.

/s/ W. Allen Pepper, Jr. \_\_\_\_\_  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE